IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2065 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PATEL SEEMABEN NATHABHAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 2065 of 2003

MR AM PAREKH for Petitioner No. 1

MR NJ SHAH with

MR DN PATEL Sr. Central Govt. Standing Counsel for Respondent No. 1

DS AFF.NOT FILED (R) for Respondent No. 1

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 11/03/2003

ORAL JUDGEMENT

1. Heard the learned counsel for the parties. This petition has been filed for a direction to the respondent authority to make necessary correction in the passport with regard to the birth date of the petitioner as 25th March, 1983 in place of 1st June, 1982.

2. Learned counsel for the petitioner submitted that the petitioner has aleady moved an application before the respondent authority for this purpose on 25-2-2003, but the same has yet not been decided and the respondent authoriy is saying that they have no power or authority to make any correction in the passport which has already been issued to the petitioner, unless some order in that regard is passed by the court of competent jurisdiction.

3. In the facts and circumstances of the case, this petition is allowed with a direction to the respodnent authoriy to consider the material on record produced by the petitioner and to decide the application filed by the petitiner for this purpose on the basis of the said material in accordance with law within a period of one month from the date of presentation of certified copy of this order. The respondent authority would be at liberty to pass appropriate orders with regard to the costs of these proceedings. Rule made absolute accordingly with no order as to costs.

(Kundan Singh, J.)

/JVSatwara/

2. In the facts and circumstances of the case, this petition is allowed with a direction to the petitioner to make a fresh application to the respondent authority to

consider the material produced on record by the petitioner and to decide the application filed by the petitiner for the purpose makeies giving out complete details, facts and circumstances and documentary material available with him in support thereof within two weeks from today. On such representation being moved by the petitioner, the respondent authorities will decide the same in accordance with law, on the basis of the material on record within a period of two weeks thereafter. The respondent authority would be at liberty to pass appropriate orders for imposing costs for this purpose. Rule made absolute accordingly with no order as to costs.